

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

N.Y.S.D. Case #  
14-cv-9534(PKC)

# MANDATE

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17<sup>th</sup> day of August, two thousand and sixteen,

Fotios Geas,

Plaintiff - Appellant,

v.

United States of America,

Defendant - Appellee.

**ORDER**

Docket No. 16-2513

**USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: October 04, 2016**

A notice of appeal was filed on July 15, 2016. An applicant can appeal the denial of a petition for a writ of habeas corpus to challenge a state court conviction or a motion under 28 U.S.C. § 2255 to challenge a federal court conviction only if the district judge or this Court grants permission by issuing a certificate of appealability. See 28 U.S.C. § 2253. The district judge has denied permission by refusing to issue a certificate of appealability.

A motion may be made to this Court for a certificate of appealability. The motion must be filed within 28 days after the later of the date the district judge denied permission or the date the notice of appeal was filed. The motion must identify each issue that the appellant intends to raise on appeal and state, with respect to each issue, facts and a brief statement of reasons showing the denial of a constitutional right.

Instructions and forms for filing the motion are enclosed with this order. They are also available on the Court's website [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov).

IT IS HEREBY ORDERED that the appeal is dismissed effective September 7, 2016 unless by that date the applicant has filed a motion for a certificate of appealability that complies with this order.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  


  


**MANDATE ISSUED ON 10/04/2016**